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August 13, 2007

VIA E-FILING

The Honorable Mary Pat Thyng
United States District Court
Federal Building
844 King Street
Wilmington, Delaware 19801

Re: Vernette Walker v. The News Journal and Ann Hines
Civil Action No. 06-138-MPT

Dear Judge Thyng:

Presently before this Court is defendants' motion to dismiss on the grounds that the complaint filed by plaintiff Vernette Walker fails to state an Age Discrimination in Employment Act ("ADEA") claim and a Title VII of the Civil Rights Act of 1964 ("Title VII") claim upon which relief may be granted. Additionally, defendant Ann Hines ("Ms. Hines") has moved to dismiss the entire complaint against her in her individual capacity. Defendants did not challenge the ADA claim against The News Journal at the motion to dismiss stage. Defendants filed opening briefs in support of their motions to dismiss on August 14, 2006. Plaintiff filed her answering brief in response to defendants' motions on August 3, 2007. However, plaintiff failed to challenge or address any of the legal arguments raised in defendants' opening briefs. Further, she did not allege any additional facts that would require a response or a counter legal argument by defendants.

Specifically, plaintiff failed to respond to defendants' contention that ADEA and Title VII claims cannot be raised for the first time in a civil suit. She did not respond to defendants' position that she failed to raise these claims in her underlying charge at the Delaware Department of Labor. As such, plaintiff's ADEA and Title VII claims against both defendants should be dismissed.

In regard to plaintiff's complaint against Ms. Hines in her individual capacity, plaintiff failed to bring forth any legal arguments in support of Ms. Hines' individual liability as to all claims; specifically, the ADEA, Title VII and ADA claims. Even alleged intentional

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misrepresentation by Ms. Hines does not support individual liability. It is settled law that no individual liability exists under the ADEA, Title VII or the ADA because of the limited definition of employer, as explained in Ms. Hines' opening brief. Accordingly, the complaint against Ms. Hines should be dismissed.

In light of plaintiff's failure to provide any legal arguments in opposition to defendants' motions to dismiss, defendants do not intend to file a reply brief absent objection or request from the Court. Instead, defendants will stand on the arguments addressed in their opening briefs and reiterated herein.

If the Court requires any further information from defendants, counsel remains available at the Court's convenience.

Respectfully,

Jennifer C. Jauffret

/kdm

cc: Ms. Vernette Walker (via first class mail)
Peter T. Dalleo, Clerk (via hand delivery)
Ms. Dolores Pinto (via first class mail)